IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3742 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 3743 OF 2005

Siby Antony ...Applicant

Versus

State of Maharashtra & Ors. ...Respondents

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Mr. S.V. Marwadi i/b Mr. M.H. Ramsinghani, Advocate for Applicant.

Mr. S.R. Shinde and Rajesh More A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED:30TH JUNE, 2005

P. C.:-

1. Heard both side.

2. The applicant has prayed for quashing of process issued against him in Criminal Case No. 1139/S/2005 and 1140/S/2005 which are pending in the Court of learned Metropolitan Magistrate, 33rd Court at Ballard Pier, Mumbai. In the said case, process has been issued against the applicant under Section 138 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of

2005 and order dated 21st June, 2005 passed in Criminal Application No. 550 of 2005, the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer revision before the concerned Sessions Court. The learned advocate for the applicant states that the necessary revision will be filed within a period of four weeks from today. In view of this statement the trial Court shall not proceed with the trial for a period of four weeks from today.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Criminal applications are disposed of.

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